



**PAVAN PARIKH
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
November 4, 2022 09:33 AM
PAVAN PARIKH
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1250026**

JOHN DAUGHERTY

A 2204042

vs.

LOWES HOME CENTERS LLC

**FILING TYPE: WRITTEN REQUEST FOR SERVICE (CERTIFIED
MAIL)**

PAGES FILED: 1

Ex. A



COMMON PLEAS COURT
HAMILTON COUNTY, OHIO

JOHN DAUGHERTY

CASE NO. _____

VS
LOWES HOME CENTERS, LLC

DOCUMENT TO BE SERVED & ITS FILED DATE
COMPLAINT

PLAINTIFF/DEFENDANT REQUESTS:

- ☒ CERTIFIED MAIL SERVICE
☐ PERSONAL SERVICE
☐ PROCESS SERVICE
☐ REGISTERED INTERNATIONAL

- ☐ EXPRESS MAIL SERVICE
☐ REGULAR MAIL SERVICE
☐ RESIDENCE SERVICE
☐ FOREIGN SHERIFF

ON:

1) LOWES HOME CENTERS, LLC
1550 WAGNER AVE.
GREENVILLE, OH 45331-2892

3) _____

2) LOWES HOME CENTERS, LLC
CORPORATION SERVICE COMPANY
3366 RIVERSIDE DRIVE, SUITE 103
UPPER ARLINGTON, OH 43221

4) _____

HARVEY A. RICHMAN
ATTORNEY
810 SYCAMORE ST., CINCINNATI, OH 45202
ADDRESS

513 621 0000
PHONE NUMBER
0065566
ATTORNEY NUMBER

Revised 9-18-18



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FILING TYPE: NOTIFICATION FORM

PAGES FILED: 1

EFR200



Clerk of Courts
Court of Common Pleas, Hamilton County, Ohio
www.courtclerk.org

NOTIFICATION FORM

CASE INFORMATION

Date: NOVEMBER 4, 2022

Case No.: _____

Caption: JOHN DAUGHERTY vs LOWES HOME CENTERS LLC

ATTORNEY INFORMATION

Attorney Name: HARVEY RICHMAN

Attorney Address: _____
Firm
810 SYCAMORE ST
Street Number
CINCINNATI, OH 45202
City, State, Zip
513 621 0000
Phone Number
513 672 1094
Fax Number
INFO@RICHMANLAWOFFICES.COM
E-Mail Address

Ohio Attorney Supreme Court No.: 0065566

☐ Address Change Only

☐ Request Case Notification / Not a Party Defendant

COURT PARTY INFORMATION

Name of Client: JOHN DAUGHERTY

☒ Plaintiff ☐ Defendant

Name of Client: _____

☐ Plaintiff ☐ Defendant

Name of Client: _____

☐ Plaintiff ☐ Defendant

Name of Client: _____

☐ Plaintiff ☐ Defendant

Name of Client: _____

☐ Plaintiff ☐ Defendant

Substituted for: _____ (if applicable)

Rev. 08/03/2017



**PAVAN PARIKH
HAMILTON COUNTY CLERK OF COURTS**

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JOHN DAUGHERTY

A 2204042

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LOWES HOME CENTERS LLC

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY
DEMAND**

PAGES FILED: 7

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

JOHN DAUGHERTY
1118 NORDYKE RD.
CINCINNATI, OH 45255

PLAINTIFF

CASE NO.:
JUDGE:

COMPLAINT

VS.

LOWES HOME CENTERS, LLC
1550 WAGNER AVE.
GREENVILLE, OH, 45331-2892

ALSO SERVE: LOWES HOME CENTERS, LLC
CORPORATION SERVICE COMPANY
3366 RIVERSIDE DRIVE, SUITE 103
UPPER ARLINGTON OH 43221

AND

JOHN DOE
ACTUAL NAME AND ADDRESS UNKNOWN

DEFENDANTS

Now comes the Plaintiff and for his Complaint states as follows:

THE PARTIES

1. Plaintiff, John Daugherty, hereinafter called “Mr. Daugherty” or “Plaintiff,” is making a claim for an injury arising from the negligence of Defendant, Lowes Home Centers, LLC, or its employees, agents, contractors and/or John Doe; jointly, separately, severally, and as their interest may appear, commonly for the purpose of brevity herein often called “Lowes” or “Defendants.”
2. Defendant, Lowes Home Centers, LLC, is a foreign Corporation, licensed and doing business in Ohio.
3. John Doe is a party Defendant with an identity and address that at the time of filing this Complaint are unknown, but is responsible for the incident and injury sustained by Plaintiff.

Jurisdiction and Venue

4. Jurisdiction and venue are proper with this Hamilton County Court of Common Pleas. The Complaint alleges that the incident occurred in Hamilton County, Ohio and that one or more of the identified Defendants conducted business relevant to the described acts, which took place in Hamilton County, Ohio.

FIRST CAUSE OF ACTION

5. On February 20, 2021, Mr. Daugherty had purchased a refrigerator and other items from Defendant, Lowes. Mr. Daugherty was having Lowes deliver and install the refrigerator at his home, 1118 Nordyke Road, in Cincinnati, Hamilton County, Ohio.
6. The only contact that Mr. Daugherty had in relation to the delivery and installation of the refrigerator was Lowes. The identities of the workmen and their relationship to Lowes are unknown. This Complaint may be amended. Said unknown workmen are included as "Lowes" and may later be substituted for the "John Doe" in this action.

7. A refrigerator was being moved by Lowes into Mr. Daugherty's home. The refrigerator was too wide to go through the front door of the home, requiring the workmen to remove the front door in order to bring the appliance into the house.
8. The workmen removed front door and leaned it against the door that leads to the garage.
9. While the workmen were taking the old refrigerator out of the house, one of the workmen came into contact with the front door of the house that was leaning against the garage door and the front door of the house fell onto the body of Mr. Daugherty. Upon impact Mr. Daugherty fell to the ground.
10. Mr. Daugherty suffered severe injuries and was taken to Mercy Hospital, Anderson Emergency Department.
11. Mr. Daugherty followed with extensive medical treatment and continues to suffer the effects of his injuries.
12. Defendant, Lowes, knew or should have known that the front door that they propped against the side of the garage was unsafe.


13. Defendants committed acts of negligence which breached their duty of care.
14. Defendants were negligent as a matter of law and responsible for the loss to Plaintiff.
15. The Defendants were at all times herein, in complete control and custody of the door that fell upon Mr. Daugherty. Defendants are responsible to Mr. Daugherty as a matter of *res ipsa loquitur*.
16. Lowes is responsible for the incident set forth herein by said workmen as a matter of *respondeat superior*.
17. Defendant, Lowes, is directly responsible to the Plaintiffs for the choosing, negligent hiring, training, supervision and control of the workmen.
18. Defendants are directly responsible to the Plaintiff for the negligent hiring, training, supervision and control of the employee who conducted the delivery and installation of the appliance.

19. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered pain, suffering, anxiety, loss of enjoyment of life, lost wages, loss of earning capacity, and other damages, all of which may continue into the future.
20. As a direct and proximate result of the negligence of Defendants, Mr. Daugherty has experienced anxiety, loss of enjoyment of life, and other damages, all of which may continue into the future.
21. Defendants John Doe is a person or entity that either has an interest or responsibility in this claim or has contributed to the facts of the incident set forth that gives rise to the action set forth herein. The actual name, identity, addresses and circumstances are not known at this time but will be supplemented according to law.

WHEREFORE, Plaintiff prays for judgment for compensatory damages against the Defendants, jointly and severally, that will adequately compensate the Plaintiff for his injuries, pain and suffering both past and future, lost wages both past and future, medical expenses both past and future, property damages, and punitive damages, all in an amount greater than \$25,000.00, costs herein expended, and such other relief as may be just and proper.

Respectfully submitted,

TRIAL COUNSEL:



Harvey A. Richman (0065566)
Richman Law Offices
810 Sycamore St., First Floor
Cincinnati, OH 45202
513 621 0000
Fax: 513 672-1094
info@richmanlawoffices.com



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JOHN DAUGHERTY

A 2204042

vs.

LOWES HOME CENTERS LLC

FILING TYPE: CLASSIFICATION

PAGES FILED: 1

EFR200

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

CLASSIFICATION FORM

WWW.COURTCLERK.ORG

Pavan Parikh
CLERK OF COURTSCASE NUMBER: _____ PLAINTIFF: JOHN DAUGHERTY

PURSUANT TO SUPERINTENDENCE RULE 4, THIS CASE WAS ORIGINALLY FILED AND DISMISSED

UNDER CASE NUMBER: _____ BY JUDGE _____

PLEASE INDICATE CLASSIFICATION INTO WHICH THIS CASE FALLS (please only check one):

- | | |
|--|---|
| <input type="checkbox"/> Other Tort – C360 | <input type="checkbox"/> Other Civil – H100-34 |
| <input checked="" type="checkbox"/> Personal Injury – C310 | <input type="checkbox"/> Appropriation – H710 |
| <input type="checkbox"/> Wrongful Death – C320 | <input type="checkbox"/> Accounting – H720 |
| <input type="checkbox"/> Vehicle Accident – C370 | <input type="checkbox"/> Beyond Jurisdiction – 730 |
| <input type="checkbox"/> Professional Tort – A300 | <input type="checkbox"/> Breach of Contract – 740 |
| <input type="checkbox"/> Personal Injury – A310 | <input type="checkbox"/> Cancel Land Contract – 750 |
| <input type="checkbox"/> Wrongful Death – A320 | <input type="checkbox"/> Change of Venue – H760 |
| <input type="checkbox"/> Legal Malpractice – A330 | <input type="checkbox"/> Class Action – H770 |
| <input type="checkbox"/> Medical Malpractice – A340 | <input type="checkbox"/> Convey Declared Void – H780 |
| <input type="checkbox"/> Product Liability – B350 | <input type="checkbox"/> Declaratory Judgment – H790 |
| <input type="checkbox"/> Personal Injury – B310 | <input type="checkbox"/> Discharge Mechanics Lien – H800 |
| <input type="checkbox"/> Wrongful Death – B320 | <input type="checkbox"/> Dissolve Partnership – H810 |
| <input type="checkbox"/> Worker's Compensation | <input type="checkbox"/> CONSUMER SALES ACT (1345 ORC) – H820 |
| <input type="checkbox"/> Non-Compliant Employer – D410 | <input type="checkbox"/> Check here if relief includes declaratory judgment, injunction or class action recovery – H825 |
| <input type="checkbox"/> Appeal – D420 | <input type="checkbox"/> Habeas Corpus – H830 |
| <input type="checkbox"/> Administrative Appeals – F600 | <input type="checkbox"/> Injunction – H840 |
| <input type="checkbox"/> Appeal Civil Service – F610 | <input type="checkbox"/> Mandamus – H850 |
| <input type="checkbox"/> Appeal Motor Vehicle – F620 | <input type="checkbox"/> On Account – H860 |
| <input type="checkbox"/> Appeal Unemployment – F630 | <input type="checkbox"/> Partition – H870 |
| <input type="checkbox"/> Appeal Liquor – F640 | <input type="checkbox"/> Quiet Title – H880 |
| <input type="checkbox"/> Appeal Taxes – F650 | <input type="checkbox"/> Replevin – H890 |
| <input type="checkbox"/> Appeal Zoning – F660 | <input type="checkbox"/> Sale of Real Estate – H900 |
| <input type="checkbox"/> Certificate of Qualification – H600 | <input type="checkbox"/> Specific Performance – 910 |
| | <input type="checkbox"/> Restraining Order – H920 |
| | <input type="checkbox"/> Testimony – H930-21 |
| | <input type="checkbox"/> Environmental – H940 |
| | <input type="checkbox"/> Cognovit – H950 |
| | <input type="checkbox"/> Menacing by Stalking – H960 |
| | <input type="checkbox"/> Repo Title – Transfer of Title Only – 970 |
| | <input type="checkbox"/> Court Ordered Title – H980 |
| | <input type="checkbox"/> Injunction Sexual Predator – 990 |
| | <input type="checkbox"/> SB 10 – Termination – H690 |
| | <input type="checkbox"/> SB 10 – Reclassification – H697 |

DATE: NOV 4 2022ATTORNEY (PRINT): HARVEY RICHMANOHIO SUPREME COURT NUMBER: 0065566

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JOHN DAUGHERTY
PLAINTIFF

-- vs --

LOWES HOME CENTERS LLC
DEFENDANT

Use below number on
all future pleadings

No. A 2204042
SUMMONS

LOWES HOME CENTERS LLC
1550 WAGNER AVE
GREENVILLE OH 45331

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

JOHN DAUGHERTY
1118 NORDYKE RD
CINCINNATI OH 45255

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
PAVAN PARIKH, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
HARVEY A RICHMAN
810 SYCAMORE ST
CINCINNATI OH 45202

PAVAN PARIKH
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: November 9, 2022



D136598908

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

JOHN DAUGHERTY
PLAINTIFF

-- vs --

LOWES HOME CENTERS LLC
DEFENDANT

Use below number on
all future pleadings

No. A 2204042
SUMMONS

LOWES HOME CENTERS LLC
% CORPORATION SERVICE CO
3366 RIVERSIDE DR STE 103
UPPER ARLINGTON OH 43221

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

JOHN DAUGHERTY
1118 NORDYKE RD
CINCINNATI OH 45255

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
PAVAN PARIKH, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

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If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
HARVEY A RICHMAN
810 SYCAMORE ST
CINCINNATI OH 45202

PAVAN PARIKH
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: November 9, 2022



D136598997